



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/632,162

07/30/2003

Patrick Schmitt

10191/3117

1902

26646

7590

08/24/2004

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

A, MINH D

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,162

Applicant(s)

SCHMITT ET AL.

Examiner

Minh D A

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, and 9 are rejected under 35 U.S.C. 102(b) as being unpatentable by Johnson et al (US 6,517,107).

Regarding claim 1, Johnson discloses a method for controlling a system in a vehicle using a transmitting /receiving comprising: a sensor element (Ultrasonic sensor driver circuit (18) having a sensors (6,7, 9, 11-14) for detecting at least infrared radiation; and a filter element (20) adapted such that substantially only infrared radiation is detectable by the sensor element ((Ultrasonic sensor driver circuit (18) having a sensors (6,7, 9, 11-14). See figures 21-25, col.32, lines 9-67 to col.38, lines1-43.

Regarding claim 2, Johnson discloses a device is for automatically switching lighting equipment for a motor vehicle. See col.21, lines 2-65.

Regarding claim 3, Johnson discloses wherein the sensor element (6,7, 9, 11-14) emits a signal, and further comprising a control device (23) including an element for switching the lighting equipment as a function of the signal. See figures 21-22.

Regarding claim 4, Johnson discloses wherein the filter element (20) is attachable to a glass pane of the motor vehicle. See col.26, lines 25-65 to col.27, lines 1-26.

Regarding claim 5, Johnson discloses r comprising a rain sensor including a light-conducting element, the light-conducting element being substantially only transparent with respect to infrared radiation and being used as a filter element. See col.26, lines 25-65 to col.27, lines 1-26.

Regarding claim 6, Johnson discloses a layer that is substantially only transparent with respect to infrared radiation, the layer (layer 1 or layer 2) being situated on at least a part of a surface of the light-conducting element. See col.36, lines 3-55.

Regarding claim 9, Johnson discloses wherein the filter element is integrated into the sensor element. See figures 21-25.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US 6,517,107) in view of Vogt et al (US 2003/0169454).

Regarding claims 7-8, Johnson discloses the claimed invention except for the layer is elastic or adhesive. Vogt discloses the layer is elastic or adhesive. See col.1, lines [0001] to lines [0003].

Art Unit: 2821

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the layer is elastic or adhesive such as that suggested by Vogt in the sensor system of Johnson for transparent to infrared radiation and filter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams (US 3, 870, 884) and Neilson et al (US 2002/0098592) are cited to show an infrared detector device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 –2:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and (703) 872-9319 for final communications.

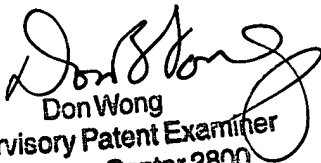
Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (571) 272-1553.

Examiner

Minh A

Art unit 2821

8/14/04


Don Wong
Supervisory Patent Examiner
Technology Center 2800